



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, वीरवार, 8 जून, 1961/18 ज्येष्ठ, 1883

HIMACHAL PRADESH ADMINISTRATION

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-1, the 26th April, 1961

No. G.M. 9-409/60.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution *vide* Government of India, Ministry of Home Affairs Notification No. F. 27/59-HIM (I), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh is pleased to make the following rules in regard to the following matters; namely:—

- (i) the method of recruitment to Himachal Government Transport Class III (Gazetted) Service;
- (ii) the qualifications necessary for appointments to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I

GENERAL

1. *Short title and commencement.*—(a) These Rules may be called the Himachal Government Transport Class III (Gazetted) Service (Recruitment, Promotion and certain conditions of service) Rules, 1960.

(b) These Rules shall come into force from the date of Notification in the official Gazette.

2. In these Rules, unless there is anything repugnant in the subject or context:—

- (a) “Lieutenant Governor” means the Lieutenant Governor, Himachal Pradesh;
- (b) “Recognised University” means any University incorporated by law in India;
- (c) “Administration” means the Himachal Pradesh Administration;
- (d) “the Service” means the Himachal Government Transport Class III (Gazetted) service;
- (e) “Direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Administration or of the Union.
- (f) “Scheduled Castes” means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951 as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (g) “Scheduled Tribes” means the Tribes or Tribal Communities of parts of or groups within Tribes or Tribal Communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (h) “Member” means a member of the Himachal Government Transport Class III (Gazetted) Service.

PART II

RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (i.e., category, designations, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in Annexure I to these Rules.

4. *Authority empowered to make appointments.*—All appointments to posts in the service shall be made by the Secretary Transport of any other authority declared as such by the Lieutenant Governor.

5. *Nationality, eligibility and age.*—(1) A candidate for appointment to any post in the service must be:—

- (a) A citizen of India; and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointment to a post; or
- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post;

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reasons, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under rule 4 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959.

Provided further that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (1) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) A citizen of India; or
- (b) A subject of Sikkim; or
- (c) A subject of Nepal or of a Portuguese possession in India; or
- (d) A person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India;

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India.

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government, and

(2) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the Principal Academic Officer of his University, College, School or the Head of his educational or technical institution last attended;

- (ii) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in his private life and unconnected with his University, College, School or other educational or technical institution;
- (iii) a medical certificate, as required by rule 10 of Fundamental Rules and rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife.
- (v) in the case of female Government servant, a declaration to the effect that she has not married a person having already a living wife.

Provided that the Himachal Pradesh Administration may, if satisfied, that there are special grounds for doing so, exempt any person, from the operation of rules in clauses (iv) and (v) above.

(3) Must not be less than 18 years and not more than 25 years of age on the date of his appointment.

Provided further that minimum and maximum age limits as prescribed may be relaxed in pursuance of the administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons, and other special categories of posts e.g., operational and technical, in accordance with the executive orders issued by the Government of India, from time to time, or under orders of the Head of the Department.

6. *Educational and Technical qualifications of candidates.*—No person shall be appointed to the service unless in the case of appointment to the post of:—

1. MINISTERIAL POSTS

Category I

(1) *Manager (Head Office).*—He is a Graduate of a recognised University with at least 10 years experience of office and executive work in a Government Department or in a commercial concern preferably of Motor Transport undertakings.

(2) *Regional Manager.*—He is a Graduate of a recognised University preferably with Mathematics or Economics as one of his subjects; preference being also given to the persons having training in Automobile Engineering and having experience in Administrative or Operational capacity of managing a sizeable fleet of vehicles.

(3) *Accounts Officer.*—He is a Graduate preferably B. Com., of a recognised University with practical experience for at least 5 years in Commercial Accounts and knowledge of rules and regulations applicable to Government Departments or intermediate or equivalent examination for 10 years similar experience.

(4) *Store Purchase Officer.*—He is a Graduate preferably B. Com., of a Recognised University; having at least 5 years of experience of managing and organising Stores Department or commercial undertakings dealing in Automobile parts or having worked as Manager of a Transport undertakings and controlled stores for sizeable fleet for 5 years.

Category II

(5) *Service Manager*.—He has passed the Matriculation Examination of a recognized University and possesses a Diploma or Degree in Automobile Engineering, and had at least 3 years experience of maintenance of repair of Petrol and Diesel Vehicle in Motor Transport Workshop; preference being given for experience of maintenance of vehicles operating on *Kutch* hill roads and have knowledge of stores accounts work.

Category III

(6) *Assistant Manager*.—He is a Graduate of a recognised University and has training in operation of Motor Transport and experience of controlling transport units for at least 3 years:

Provided that the conditions as prescribed above, may be relaxed, in special circumstances, by order of the Lieutenant Governor.

7. *Method of recruitment*.—Posts in the service shall be filled either by promotion or by direct appointment in the following manner or by having persons on deputation:—

Category I

(1) *Manager (Head Office)*.—By selection from amongst Office Superintendent and C.&S. Superintendents or by transfer or on deputation of an official already in the service of a Department of the Administration or Union Government.

(2) *Regional Manager*.—By selection from amongst the Assistant Manager, Chief Inspector, Superintendent and C.&S. Superintendents already in service possessing requisite qualifications.

(3) *Accounts Officer*.—By selection from amongst Superintendents (including C.&S. Superintendents) and Accountants possessing the requisite qualifications.

(4) *Store Purchase Officer*.—(i) By selection from amongst Chief Store-keeper, and Superintendents (including C.&S. Superintendents) already in service and possessing the requisite qualifications and (ii) by direct appointment.

Category II

(5) *Service Manager*.—By selection from amongst Foremen, Garage Supervisor and Head Mechanic possessing the requisite qualifications or by direct appointment.

(6) *Assistant Manager*.—By transfer from amongst the Chief Inspectors possessing the requisite qualifications, by selection from amongst Accountants and Inspectors and possessing the requisite qualifications and by direct recruitment:

Provided that 23 per cent and 5 per cent of the vacancies shall be filled up from the candidates belonging to scheduled castes and scheduled tribes respectively subject to the minimum qualifications being satisfied by them.

Posts reserved for direct recruitment shall be notified to the Employment Exchanges and if candidates with requisite qualifications are not forthcoming posts will be advertised.

8. *Probation of Members of Service*.—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years in the case of direct recruitment and on trial for a period of one year in the case of promotion.

Explanation.—Approved Officiating service shall be taken as a period spent on probation but no member who is Officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his services or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed three years.

9. *Scale of Pay etc. of the Service.*—The grades of pay of each class of service are mentioned in Annexure I to these rules subject to their revision from time to time.

10. *Seniority of members of Service.*—(1) Subject to the provisions of paragraphs 2 below, persons appointed in a substantive or Officiating capacity to a grade prior to the issue of these Rules shall retain the relative seniority already assigned to them and shall *en-block* be senior to all others in that grade.

Explanation.—For the purpose of these Rules—

(a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules; and

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these Rules shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph 3 below, permanent officers of each grade shall be ranked senior to persons who are Officiating in that grade.

(3) *Direct Recruits.*—Notwithstanding the provisions of sub-rule (2) above, the relative seniority of all direct recruits, shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection;

(i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

(ii) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the person who joined earlier:

(iii) Provided further that he shall not lose his seniority, if the fact of his joining later was caused by circumstances, beyond his control and for the reasons to be recorded in writing, the appointing authority is satisfied that this was so.

(4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions;

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Relative seniority of Direct Recruits and Promotees.*—The relative seniority of direct recruits and of promotees shall be determined according to the relation of vacancies between direct recruits and promotees, which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

(6) *Transferees.*—The relative seniority of persons appointed by transfer to the Department from other departments of the Administration or of the Central Government shall be determined in accordance with the order of their selection for such transfer.

EXPLANATORY MEMORANDUM

Rule 4 (i) Where promotions are made on the basis of selection by a Departmental Promotion Committee the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted take seniority in the higher grade over the junior person who has superseded him.

11. Other conditions of service.—In respect of conditions of service other than those covered by these Rules, members of the service shall be governed by the Government of India, Ministry of Home Affairs Notification No. 27/59-HIM (ii), dated the 13th July, 1959.

By order,
O. N. MISRA,
Secretary.

ANNEXURE I

Category	Name of appointment	Scale of Pay
I	Manager (Head Office) ..	Rs. 250-25-550.
	Accounts Officer ..	Rs. 250-25-550.
	Regional Manager ..	Rs. 250-25-550.
	Store Purchase Officer ..	Rs. 250-25-550.
II	Service Manager ..	Rs. 350-20-450.
III	Assistant Regional Manager ..	Rs. 150-10-300.

ANNEXURE II

Copy of Office Memorandum No. 4/7/56-RPS, dated the 30th November, 1956, from the Under Secretary to the Government of India, Ministry of Home Affairs, to All Ministries etc.

Subject.—Minimum age limit for recruitment to clerical posts not made through the Union Public Service Commission.

Reference.—This Ministry's Office Memorandum No. 4/7/56-RPS, dated the 20th March, 1956.

Replies received from Ministries and other offices to this Ministry's Office Memorandum referred to above show a consensus of opinion in favour of the proposals made in that Memorandum. It has accordingly been decided that for recruitment to clerical posts under the Central Government made without reference to the Union Public Service Commissioner the minimum age limit should be 18 years. Heads of Departments are authorised to make a relaxation, in exceptional cases, of this limit by not more than one year.

2. In so far as the persons serving in the India Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General.

Copy of letter No. 20-T (2)/58, dated the 3rd September, 1958, from the Under Secretary to the Government of India, Ministry of Transport and Communications, Department of Transport, New Delhi, to the Secretary, Himachal Pradesh Administration, Transport Department, Simla.

Subject.—Recruitment and Promotion Rule of the Transport Department.

I am directed refer to the correspondence resting with your letter No. T. 26-27/57, dated the 21st July, 1958, and to say that the Draft Himachal Pradesh Transport Department Subordinate Service Recruitment and Promotion Rule framed by the Administration are in respect of various isolated posts which are not inter-related. Such elaborate Recruitment Rules are usually framed only for large cadre as comprising many grades in direct line with different scales of pay and where appointment to higher grades are made partly by promotion and partly by direct recruitment. It would not be advisable to frame all comprehensive Recruitment Rules by combining Class III, Class IV and technical posts, which by their very nature are clearly isolated from each other. The Recruitment Rules comprising ministerial and technical categories and Class IV posts are normally framed separately in the prescribed proforma, a copy of which is attached. This proforma will also show the field and method of recruitment including the quota for promotion and the source from which promotion is to be made. Separate executive orders can be issued in regard to matters which are not covered by this proforma e.g., Seniority Rules.

2. In view of the foregoing, it is requested that the Rules may kindly be recast on the lines indicated above.